

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

HOPE STOFFLET,	)	
	)	Civil Action
Plaintiff	)	No. 02-2676
	)	
vs.	)	
	)	
K.K. FIT, INC., et al.,	)	
	)	
Defendants	)	

RULE 16 TELEPHONE CONFERENCE SCHEDULING ORDER

NOW, this 3<sup>rd</sup> day of January, 2003,

IT IS ORDERED that a Rule 16 conference by telephone conference call is scheduled on January 14, 2003, at 11:00 o'clock a.m. with Judge James Knoll Gardner.

IT IS FURTHER ORDERED that lead counsel for plaintiff shall initiate the telephone conference call with lead trial counsel for all other parties and with all unrepresented parties. Counsel for plaintiff shall initiate the call five minutes in advance of the scheduled conference, and when all counsel and unrepresented parties are on the line, shall call chambers at (610) 434-3457.

IT IS FURTHER ORDERED that the lead trial counsel of record for each party shall participate in the conference. No substitutions shall be permitted unless authorized by Judge Gardner at least 48 hours prior to the conference.

IT IS FURTHER ORDERED that at the conference counsel shall be prepared to discuss (where applicable) the following:

1. Deadlines (if applicable) for:
  - (a) filing and responding to pleadings;
  - (b) amendment of pleadings;
  - (c) discovery, including the submission of expert reports;
  - (d) motions for summary judgment and responses;
  - (e) other dispositive motions;
  - (f) motions in limine;
  - (g) pre-trial memoranda.
2. Proposed trial dates (counsel shall have their calendars available).
3. Length of trial.

4. Attachments of trial counsel before other courts in this and other jurisdictions during the trial term.
5. Witness availability.
6. Other scheduling considerations.
7. Estimated length of trial.
8. Whether the case shall be tried with or without a jury.
9. Number of jurors.
10. Juror voir dire.
11. Legal issues to be resolved prior to trial.
12. Any unique or unusual factual, legal, or procedural, aspects of the case.
13. Logistical problems requiring court attention.
14. Settlement negotiations history.
15. Settlement.

IT IS FURTHER ORDERED that counsel shall provide Judge Gardner<sup>1</sup> by mail, delivery service, fax, or e-mail to be received by Judge Gardner not later than seven days prior to the conference, an informal memorandum which **shall not exceed two pages in length** and which shall include the following information:

1. A brief statement of the facts.
2. The party's liability contentions.
3. The party's damages contentions.
4. Enumeration of all special or liquidated damages claimed.
5. History of settlement negotiations, including all demands and offers.

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<sup>1</sup> The memoranda may be forwarded to Judge Gardner by mail at Edward N. Cahn United States Courthouse, 504 West Hamilton Street, Suite 4701, Allentown, PA 18101; by fax at (610) 434-3459; or by e-mail address at Chambers\_James\_Knoll\_Gardner@paed.uscourts.gov

IT IS FURTHER ORDERED that continuances will be granted only in extraordinary circumstances. Continuance requests shall be signed by one counsel of record for each represented party and by all unrepresented parties. Continuance requests shall be submitted on a form approved by Judge Gardner at least ten days prior to the conference.

By:

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TERI L. LEFKOWITH  
Deputy Clerk to  
Honorable James Knoll Gardner  
Phone: (610) 434-3765